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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Costa Rica

1. The Committee considered the initial report of Costa Rica (CRC/C/3/Add.8) at its 91st, 92nd and 93rd meetings (CRC/C/SR.91-93), held on 30 September and 1 October 1993, and adopted* the following concluding observations:

Introduction

2. The Committee notes with satisfaction the early ratification of the Convention and the timely submission of the initial report of Costa Rica. In particular, the Committee appreciates the comprehensiveness of the report, which contains self-criticism and defines areas for priority action. The Committee, however, notes with regret the lack of information relating to special protection measures, with particular reference to the system of administration of juvenile justice.

3. The Committee expresses its appreciation to the delegation which presented the report for providing helpful additional information and for facilitating an open and constructive dialogue.

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* At the 103rd meeting, held on 8 October 1993.

Positive aspects

4. The Committee welcomes the commitment shown by the Government of Costa Rica in undertaking its obligations under the Convention. That commitment is reflected in the efforts of the Government to establish implementation mechanisms, to evaluate the existing situation and to identify factors and difficulties impeding the implementation of the Convention. In particular, the Committee welcomes the establishment of special entities aimed at coordinating policies and activities for children. This should hopefully facilitate the collection of relevant data and potentially foster a more integrated and dynamic approach to the implementation of the Convention.

5. The Committee also notes with satisfaction efforts to create greater public awareness of the Convention; the importance attached to children's rights advocacy and training for professional groups working with children; and efforts to educate children with respect to the Convention and encourage their participation in the implementation process.

Factors and difficulties impeding the implementation of the Convention

6. The Committee notes that due to economic factors, including pressures resulting from external debt, there has been a restructuring of the Government's budget with the result that fewer resources have been available for social welfare programmes.

Principal subjects of concern

7. The Committee expresses its concern at the fact that legislation relevant to the application of the Convention is not only dispersed, but sometimes contradictory. Similarly, there are many programmes focused on specific areas of the Convention which are not yet coordinated. This inadequate legal harmonization and policy coordination has resulted in a limited capacity to enforce existing measures.

8. The Committee expresses its concern at the impact of economic adjustment policies. In particular, the Committee notes that, with the cuts in allocations in the social sector, the basic welfare of the children who are most vulnerable, such as abandoned children, children living in extreme poverty and children of disadvantaged groups, may not be adequately protected. As a consequence, many of Costa Rica's past achievements in the areas of health, education, welfare and social stability would appear to be seriously threatened.

9. The Committee notes that there have been alarming tendencies in recent years on increasing problems concerning vulnerable children, such as discrimination against the girl child and sexual abuse including incest and other forms of violence perpetrated against children. In this connection, the Committee notes that there has not always been adequate enforcement of existing legislation nor have public education activities been sufficiently focused on those problems.

10. The Committee notes the high number of domestic and international adoptions of Costa Rican children. It also notes the high number of teenage pregnancies as a result of early sexual activity, which is symptomatic of underlying social problems.

Suggestions and recommendations

11. In order to apply more effectively all of the provisions of the Convention, the Committee recommends that laws and regulations concerning the rights of the child be harmonized.

12. Information and statistical data to be used for evaluating progress in implementing the Convention should be standardized and compiled systematically.

13. With respect to economic adjustment policies, the Committee recommends that the Government undertake a thorough review of the impact of these policies with a view to identifying ways to ensure adequate protection for children, in particular the disadvantaged and vulnerable ones, in the light of articles 2, 3 and 4 of the Convention. Necessary support should be given to strengthen the family environment for such children.

14. The Committee emphasizes that the best interests of the child must be the guiding principle in the application of the Convention, especially with regard to labour legislation and adoption. In the framework of the adoption process, due consideration should be given to the provisions of article 12 as regards respect for the views of the child.

15. The Committee recommends that measures should be taken in conformity with the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and that action in this regard should be focused especially at the community and family levels. In this connection, the Committee also emphasizes the necessity of ensuring adequate training for law enforcement officials, social workers and other professionals who work with vulnerable children and youth at risk. A comprehensive system for the administration of juvenile justice should be developed in accordance with articles 39 and 40 of the Convention and the safeguards required under the Convention concerning children in conflict with the law should be assured.

16. The Committee encourages the Government to intensify its information and advocacy campaigns at the community and family levels. The Committee therefore suggests that efforts should be made to widen educational campaigns to focus on gender discrimination and the role of parents, particularly with respect to the prevention of violence and abuse in the family and the problems associated with early marriage and early pregnancy.